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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

MAXIMINO BARTOLOME CRISOSTOMO
AND GLORIA ABRENICA CRISOSTOMO,

Debtors.

Case No. 10-71473-CDN

Chapter 13

R.S. No. ALG-186

MOTION FOR RELIEF FROM AUTOMATIC STAY

Hearing:

Date: December 4, 2015

Time: 10:00 a.m.

Place: 1300 Clay Street, Ctrm 215
Oakland, CA 94612

CitiMortgage, Inc. ("Movant or Creditor")¹ will and hereby does move, pursuant to 11 U.S.C. § 362(d) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, for an order terminating the automatic stay of 11 U.S.C. § 362(a) as it applies to Movant and the real property located at 37146 Elm Street, Fremont, California 94536 ("Property").

CitiMortgage, Inc. services the loan on the property referenced in this Motion for Relief from Automatic Stay. In the event the automatic stay in this case is modified, this case dismisses,

¹ This Motion for Relief from Automatic Stay shall not constitute a waiver of the within party's right to receive service pursuant to Fed. R. Civ. P. 4, made applicable to this proceeding by Fed. R. Bankr. P. 7004, notwithstanding Aldridge Pite, LLP's participation in this proceeding. Moreover, the within party does not authorize Aldridge Pite, LLP, either expressly or impliedly through Aldridge Pite, LLP's participation in this proceeding, to act as its agent for purposes of service under Fed. R. Bankr. P. 7004.

1 and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged
2 property, the foreclosure will be conducted in the name of CitiMortgage, Inc. ("Noteholder").
3 Noteholder directly or through an agent, has possession of the promissory note. The promissory
4 note is either made payable to Noteholder or has been duly endorsed. Noteholder is the original
5 mortgagee or beneficiary or the assignee of the security instrument for the referenced loan.

6 This Motion is based on the Notice of Motion for Relief from Automatic Stay,
7 Memorandum of Points and Authorities in Support of Motion for Relief from Automatic Stay,
8 and Declaration in Support of Motion for Relief from Automatic Stay filed concurrently
9 herewith, the pleadings and papers on file herein, and upon such oral and documentary evidence
10 as may be presented by the parties at the hearing.

11 ALDRIDGE PITE, LLP



12 (SBN 269170)

13 Dated: October 27, 2015

14 ARNOLD L. GRAFF
Attorneys for Movant CitiMortgage Inc.

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